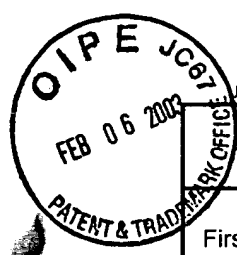


#7



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
P093 1020A

First named inventor: Abe11
Application Number: 09/557,495
Filed: April 24, 2000
Title: Method and Apparatus for Delivering A Colonic Lavage
Group Art Unit: 3763
Examiner: Maynard, J.J.

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☒ small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Amendment under 37 CFR 1.111 (identify the type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

02/11/2003 TTRAH1 00000001 09557495

01 FC:2452

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OFFICE OF PETITIONS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

2/6/03
Date

Thomas B. McGurk
Signature

Thomas B. McGurk
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicants submit that the Office Action was never received before the application had gone abandoned, as evidenced by the Declaration of Steven D. Kerr, Esq., attorney for Applicants, and the docket record of Applicants' attorneys for July 1, 2002, which clearly shows that no entry was made for a deadline for a response to the Office Action. Applicants further submit that the entire delay in replying to the Office Action was unavoidable due to the failure to receive the Office Action until January 22, 2003, when a copy of the Office Action was sent by facsimile from the Patent Office.

(Please attach additional sheets if additional space is necessary)

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Abell et al,

Serial No: 09/557,495

Filed: April 24, 2000

Confirmation No: 7643

For: METHOD AND APPARATUS
FOR DELIVERING A
COLONIC LAVAGE

Examiner: Maynard, Jennifer J.

Art Unit 3763

Docket No: P093 1020A

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FEB 12 2003

OFFICE OF PETITIONS

DECLARATION OF STEVEN D. KERR IN SUPPORT OF PETITION

TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

UNDER 37 C.F.R. § 1.137(a)

I, STEVEN D. KERR, declare that:

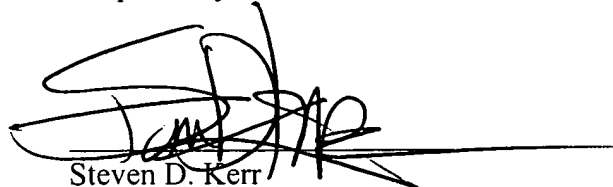
1. I am an attorney of record in the above-referenced patent application.
2. It is my belief, after reasonable investigation, that the Office Action mailed April 1, 2002, and identified as paper no. 5 in the above application was never received by me or my firm before the application was abandoned for failure to respond. A search of the file jacket of this application and a search of the firm's docket records indicate that there is no copy of the Office Action in the file nor is the Office Action noted on the file jacket, which is the practice of my firm upon receiving an official action. It is also the practice of my firm to enter every official action into our computerized docket system and, in this case, no such entry was made.

3. A copy of the docket record for July 1, 2002, showing actions due on that date is provided herewith, pursuant to M.P.E.P. 711.03(c). The docket record indicates that no entry was made for a response to an Office Action for this application, even though the shortened statutory period for reply set forth in the Office Action was to expire on this date.

4. The Office Action was not received by my firm until January 22, 2003, when a copy was sent by facsimile from the Patent Office.

5. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18, United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven D. Kerr", is written over a horizontal line.

Steven D. Kerr
Reg. No. 32,472
Attorney for Applicants

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
Post Office Box 7037
Atlanta, Georgia 30357-0037
(404) 888-7524 (telephone)
(404) 870-8174 (facsimile)

Docket No. P093 1020A

ATLANTA 339948v1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|--------------------------|------------------|
| 09/557,493 | 04/24/2000 | Roy Abell | P093 1020 (38379.0003.3) | 7643 |

7590

04/01/2002

Judy C Jarecki-Black PhD
Womble Carlyle Sandridge & Rice PLLC
Ste 3500 One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309

EXAMINER

MAYNARD, JENNIFER J

ART UNIT

PAPER NUMBER

3763

DATE MAILED: 04/01/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

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MASTER FILE REPORT

PCMASTER REPORTER

02/06/2003 14 58

PAGE: 1



Actions Due Report

02/06/2003

| Action Due Date | Action | Docket Number | Ctry Code | App No. Pat. No. | App Dt. Issue Dt. | Attorney Client/Div |
|-----------------|--------|---------------|-----------|------------------|-------------------|---------------------|
|-----------------|--------|---------------|-----------|------------------|-------------------|---------------------|

07/01/2002 IDS DUE
Title: ANTIBIOTIC COMPOSITIONS AND DELIVERY DEVICES FOR THE TREATME
Action Notes:

U022 1040.1

US

10/113,615

04/01/2002

DSS
U022

07/01/2002 1st Office Action
Title: PHARMACEUTICAL COMPOSITIONS FOR PREVENTION AND TREATMENT OF
Action Notes:

T103 1180.1

US

08/631,761

04/23/1996

DSS
T103

07/01/2002 US-11 1/2YR MTN
Title:
Action Notes: Due Date

C002 1046

US

07/388,604
4,981,091

08/01/1989
01/01/1991

JFV
C002

07/01/2002 Notice Of Missing Parts
Title: ARCHITECTURAL SOUND ENHANCEMENT WITH DTMF CONTROL
Action Notes:

A148 1730.1

US

10/109,188

03/28/2002

SDK
A148

07/01/2002 Notice Of Missing Parts
Title: ARCHITECTURAL SOUND ENHANCEMENT WITH PRE-FITTED MASKING SOUN
Action Notes:

A148 1700.1

US

10/109,137

03/28/2002

SDK
A148

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Actions Due Report

02/06/2003

| Action Due Date | Action | Docket Number | Ctry Code | App No. Pat. No. | App Dt. Issue Dt. | Attorney Client/Div |
|--------------------|--------|------------------|--------------|---------------------|----------------------|------------------------|
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| | | | | | | |
|---------------------------------------------------------|----------------------------|-------------|----|------------|------------|-------------|
| 07/01/2002 | Instructions due to assoc. | T103 1331EP | EP | 00957516.8 | 08/17/2000 | DSS T103 |
| Title: PHARMACEUTICAL COMPOSITIONS AND METHODS FOR USE | | | | | | |
| Action Notes: Due Date re filing of coluntary amendment | | | | | | |

| | | | | | | |
|---------------------------------------------|-----------------------------------|-------------|----|-----------|------------|-------------|
| 07/01/2002 | ANNUITY - 1 YEAR PRIOR TO TAX DUE | T002 2030CA | CA | 2,336,036 | 07/01/1999 | JFV T002 |
| Title: HEATING ASSEMBLY & COOKING APPARATUS | | | | | | |
| Action Notes: Calculate next annuity | | | | | | |

RUN LOG SUMMARY

PCMASTER REPORTER

02/06/2003 15 01 PAGE: 1

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WCS Action Listing by Due Date
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AND (EXR.STATUS NOT = 'I'))

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2 TOTAL RECORDS REPORTED